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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6521 OF 2007

Nicholas Employees' Union ... Petitioner

V/s

Nicholas Piramal India Ltd. & ors. ... Respondents

Mr. A.S. Peerzada for the petitioner.

Mr. J.P. Cama with Mr. Niranjan Mogre i/by M/s. Haresh Mehta & Co. for the respondents.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 4TH SEPT., 2007.

P.C.:

1. The petitioner has challenged the orders of the Labour Court and the Industrial Court refusing interim relief to the concerned workman. The petitioner had filed the complaint under Item 1(a), (b), (d), (f) & (g) of Schedule IV of the M.R.T.U. & P.U.L.P. Act. The concerned workman had been subjected to a domestic enquiry. He was served a copy of the enquiry officer's report and was asked to comment on the same. However, instead of submitting his objections or comments on the report of the enquiry officer, the petitioner filed Complaint (ULP) No. 324 of 2003 complaining of

violation of principles of natural justice in the conduct of the domestic enquiry against the workman and the apprehended termination of his service. An ad-interim order was granted by the Labour Court staying any action against the workman. The interim relief application was dismissed. The revision application filed by the petitioner has also been dismissed. On the petitioner's application the respondents have been restrained from acting against the workman upto next week.

2. In my view, there is no need to interfere with the orders passed by both the Courts below. However, since the concerned workman has not furnished his comments and objections to the report of the enquiry officer, he may do so within two weeks from today. The respondent Company will not take any action against the him during this period.

3. In the event the respondent Company desires to dismiss or discharge or terminate the services of the concerned workman, Mr. Cama, advocate for the respondents states that the Company will not act on any order of termination for a period of 15 days after it is served on the petitioner.

4. In the event the workman challenges such an order of termination from service, the Labour Court shall not be influenced by the fact that the concerned workman has continued in service till he approaches the Court, when it decides any interim application that may be filed.

5. Petition disposed of accordingly.

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